

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 25, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LEVAR D. ANDERSON,

Plaintiff,

v.

CHEYENNE CALDERON, CADEN
CALDERON, JORGE CALDERON,
and S.C. (MINOR),

Defendants.

NO. 4:23-CV-5078-TOR

ORDER DISMISSING AMENDED
COMPLAINT

BEFORE THE COURT is Plaintiff's Amended Complaint. ECF No. 21.
The Court has reviewed the record and files herein and is fully informed. For the
reasons discussed below, all claims asserted in Plaintiff's Amended Complaint
(ECF No. 21) against Defendants are **DISMISSED**.

Plaintiff Levar D. Anderson, proceeding *pro se* and *in forma pauperis*, filed
this suit on May 30, 2023, against Defendants alleging that as "property owner"
they "owed my loved one a duty of care" and "defendants breach of the duty of

1 care caused my loved one's death." ECF No. 1. Plaintiff seeks economic and non-
2 economic damages. *Id.*

3 On July 28, 2023, this Court entered an Order Dismissing the Complaint
4 with Leave to Amend. ECF No. 18. The Court explained to Plaintiff that the
5 Complaint did not state facts which plausibly give rise to an entitlement to relief.
6 According to the papers on file, three other people were arrested for the shooting of
7 the decedent, not the named Defendants. Additionally, in Washington, only the
8 executor of the decedent's estate may sue for wrongful death. Plaintiff did not
9 allege or show that he was the executor of decedent's estate and therefor has no
10 standing to bring this suit.

11 On August 17, 2023 Plaintiff filed an Amended Complaint. ECF No. 21.
12 Again, that Amended Complaint does not state facts which plausibly give rise to an
13 entitlement to relief. Most importantly, Plaintiff has not shown that he is the
14 executor of decedent's estate and therefor he has no standing to bring this suit.
15 Plaintiff has not corrected the deficiencies the Court identified in its previous
16 Order which is incorporated herein by reference. ECF No. 18.

17 Plaintiff has not plead factual allegations against any Defendant that state a
18 proper claim for relief.

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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 Plaintiff's Amended Complaint (ECF No. 21) is **DISMISSED without**
3 **prejudice.**

4 The District Court Executive is directed to enter this Order, enter Judgment,
5 mail copies to Plaintiff and the Defendants who have appeared, and **CLOSE** the
6 file.

7 **DATED** August 25, 2023.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge